

**PART A
GENERAL**

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WAC 296-56-600 Marine terminals.

[Statutory Authority: RCW 49.17.040 and 49.17.050. 85-01-022 (Order 84-24), § 296-56-600, filed 12/11/84.]

WAC 296-56-60001 Scope and applicability.

- (1) The rules included in this chapter apply throughout the state of Washington, to any and all waterfront operations under the jurisdiction of the department of labor and industries.
- (2) These minimum requirements are promulgated in order to augment the general safety and health standards, and any other safety and health standards promulgated by the department of labor and industries which are applicable to all places of employment under the jurisdiction of the department of labor and industries. The rules of this chapter, and the rules of chapters 296-24, 296-62 and 296-800 WAC are applicable to all longshore, stevedore and related waterfront operations: Provided, That such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.
- (3) The provisions of this chapter shall prevail in the event of a conflict with, or duplication of, provisions contained in chapters 296-24, 296-62 and 296-800 WAC. Specific standards which are applicable include, but are not limited to:
 - (a) Electrical-Chapter 296-24 WAC Part L, and WAC 296-800-280.
 - (b) Toxic and hazardous substances are regulated by chapter 296-62 WAC. Where references to this chapter are given they are for informational purposes only. Where specific requirements of this chapter conflict with the provisions of chapter 296-62 WAC this chapter prevails. Chapter 296-62 WAC does not apply when a substance or cargo is contained within a manufacturer's original, sealed, intact means of packaging or containment complying with the department of transportation or International Maritime Organization requirements.
 - (c) Hearing conservation-Chapter 296-62 WAC Part K.
 - (d) Standards for commercial diving operations-Chapter 296-37 WAC.
 - (e) Safety requirements for scaffolding-Chapter 296-24 WAC Part J-2.
 - (f) Safe practices of abrasive blasting operations-Chapter 296-24 WAC Part H-2.
 - (g) Access to employee exposure and medical records-Chapter 296-62 WAC Part B.
 - (h) Respiratory protection-Chapter 296-62 WAC Part E.
 - (i) Safety standards for grain handling facilities-Chapter 296-99 WAC.

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- (j) Chemical hazard communication program--WAC 296-800-170.
 - (k) Asbestos--Chapters 296-62 Part I-1 and 296-65 WAC.
 - (l) Permit - required confined spaces and confined space--Chapter 296-62 WAC Part M.
 - (m) Servicing multi-piece and single-piece rim wheels--Chapter 296-24 WAC Part D.
 - (n) First aid requirements--WAC 296-800-150.
 - (o) Employee emergency plan and fire prevention plans--Chapter 296-24 WAC Part G-1.
- (4) The provisions of this chapter do not apply to the following:
- (a) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.
 - (b) Facilities subject to the regulations of the office of pipeline safety regulation of the materials transportation bureau, department of transportation, to the extent such regulations apply.

- (5) WAC 296-62-074 shall apply to the exposure of every employee to cadmium in every employment and place of employment covered by chapter 296-56 WAC in lieu of any different standard on exposures to cadmium that would otherwise be applicable by virtue of those sections.

[Statutory Authority: RCW 49.17.010, .040, .050. 01-11-038 (Order 99-36), § 296-56-60001, filed 05/09/01, effective 09/01/01. Statutory Authority: Chapter 49.17.040 RCW. 99-02-024 (Order 98-16), § 296-56-60001, filed 12/30/98, effective 03/30/99. Statutory Authority: Chapter 49.17 RCW. 95-04-007, § 296-56-60001, filed 1/18/95, effective 3/1/95; 93-07-044 (Order 93-01), § 296-56-60001, filed 3/13/93, effective 4/27/93. Statutory Authority: Chapter 49.17 RCW and RCW 49.17.040, [49.17].050 and [49.17].060. 92-22-067 (Order 92-06), § 296-56-60001, filed 10/30/92, effective 12/8/92. Statutory Authority: Chapter 49.17 RCW. 91-24-017 (Order 91-07), § 296-56-60001, filed 11/22/91, effective 12/24/91; 89-11-035 (Order 89-03), § 296-56-60001, filed 5/15/89, effective 6/30/89; 88-14-108 (Order 88-11), § 296-56-60001, filed 7/6/88. Statutory Authority: RCW 49.17.040 60001, filed 4/19/85; 85-01-022 (Order 84-24), § 296-56-60001, filed 12/11/84.]

WAC 296-56-60003 Variance and procedure. Realizing conditions may exist under which certain state standards will not have practical application. In these cases, the director of the department of labor and industries has made provisions for the issuance of variances. The director or his/her authorized representative may, pursuant to this section, RCW 49.17.080 and 49.17.090, and WAC 296-350-700, upon receipt of application and after investigation by the department, permit a variation from the requirements of this chapter. Any variance is limited to the particular case and application. It shall remain posted during the time which it is in effect. Variance application forms may be obtained from the department.

[Statutory Authority: RCW 49.17.010, .040, .050. 01-11-038 (Order 99-36), § 296-56-60003, filed 05/09/01, effective 09/01/01. Statutory Authority: Statutory Authority: Chapter 49.17 RCW. 95-04-007, § 296-56-60003, filed 1/18/95, effective 3/1/95. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-064 (Order 86-02), § 296-56-60003, filed 1/17/86; 85-01-022 (Order 84-24), § 296-56-60003, filed 12/11/84.]

WAC 296-56-60005 Definitions.

“Apron” means that open portion of a marine terminal immediately adjacent to a vessel berth and used in the direct transfer of cargo between the terminal and vessel.

“Assistant director for the division of WISHA services” means the assistant director of WISHA services, department of labor and industries or his/her authorized representative.

“Authorized” in reference to an employee's assignment, means selected by the employer for that purpose.

“Cargo door” (transit shed door) means a door designed to permit transfer of cargo to and from a marine terminal structure.

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“Cargo packaging” means any method of containment for shipment, including cases, cartons, crates and sacks, but excluding large units such as intermodal containers, vans or similar devices.

“Confined space” means a space that:

- Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and
- Is not designed for continuous employee occupancy.

“Conveyor” means a device designed exclusively for transporting bulk materials, packages or objects in a predetermined path and having fixed or selective points of loading or discharge.

“Danger zone” means any place in or about a machine or piece of equipment where an employee may be struck by or caught between moving parts, caught between moving and stationary objects or parts of the machine, caught between the material and a moving part of the machine, burned by hot surfaces or exposed to electric shock. Examples of danger zones are nip and shear points, shear lines, drive mechanisms, and areas beneath counterweights.

“Designated person” means a person who possesses specialized abilities in a specific area and is assigned by the employer to perform a specific task in that area.

“Dock” means a wharf or pier forming all or part of a waterfront facility, including marginal or quayside berthing facilities; not to be confused with “loading dock” as at a transit shed or container freight station, or with the body of water between piers or wharves.

“Dock facilities” includes all piers, wharves, sheds, aprons, dolphins, cranes, or other gear or equipment owned or controlled by the dock or facility owner, where cargo or materials are loaded, moved or handled to or from a vessel.

“Dockboards” (car and bridge plates) means devices for spanning short distances between rail cars or highway vehicles and loading platforms that do not expose employees to falls greater than four feet (1.22 m).

“Enclosed space” means an indoor space, other than a confined space, that may contain or accumulate a hazardous atmosphere due to inadequate natural ventilation. Examples of enclosed spaces are trailers, railcars, and storage rooms.

“Examination,” as applied to material handling devices required to be certified by this chapter, means a comprehensive survey consisting of the criteria outlined in WAC 296-56-60093 through 296-56-60097. The examination is supplemented by a unit proof test in the case of annual survey.

“Flammable atmosphere” means an atmosphere containing more than ten percent of the lower flammable limit (LEL) of a flammable or combustible vapor or dust mixed with air. Such atmospheres are usually toxic as well as flammable.

“Front-end attachments.”

- As applied to power-operated industrial trucks, means the various devices, such as roll clamps, rotating and sideshifting carriages, magnets, rams, crane arms or booms, load stabilizers, scoops, buckets, and dumping bins, attached to the load end for handling lifts as single or multiple units.

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- As applied to cranes, means various attachments applied to the basic machine for the performance of functions such as lifting, clamshell or magnet services.

“Fumigant” is a substance or mixture of substances, used to kill pests or prevent infestation, which is a gas or is rapidly or progressively transformed to the gaseous state even though some nongaseous or particulate matter may remain and be dispersed in the treatment space.

“Hazardous cargo, material, substance or atmosphere” means:

- Any substance listed in chapter 296-62 WAC;
- Any material in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 CFR Part 172;
- Any article not properly described by a name in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 CFR Part 172, but which is properly classified under the definition of those categories of dangerous articles given in 49 CFR Part 173;
- Atmospheres having concentrations of airborne chemicals in excess of permissible exposure limits as defined in chapter 296-62 WAC; or
- Any atmosphere with an oxygen content of less than nineteen and one-half percent by volume.

“House falls” means spans and supporting members, winches, blocks, and standing and running rigging forming part of a marine terminal and used with a vessel's cargo gear to load or unload by means of married falls.

“Inspection” as applied to material handling devices required to be certified by this chapter, includes a complete visual examination of all visible parts of the device.

“Intermodal container” means a reusable cargo container of rigid construction and rectangular configuration intended to contain one or more articles of cargo or bulk commodities for transportation by water and one or more other transport modes without intermediate cargo handling. The term includes completely enclosed units, open top units, fractional height units, units incorporating liquid or gas tanks and other variations fitting into the container system, demountable or with attached wheels. It does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other form of packaging.

“Loose gear” means removable or replaceable components of equipment or devices which may be used with or as a part of assembled material handling units for purposes such as making connections, changing line direction and multiplying mechanical advantage. Examples include shackles and snatch blocks.

“Marina” means a small harbor or boat basin providing dockage, supplies, and services for small craft.

“Marine terminal” means wharves, bulkheads, quays, piers, docks and other berthing locations and adjacent storage or contiguous areas and structures associated with the primary movement of cargo or materials from vessel to shore or shore to vessel. It includes structures which are devoted to receiving, handling, holding, consolidation, loading or delivery of waterborne shipments and passengers, and areas devoted to the maintenance of the terminal or equipment. The term does not include production or manufacturing areas having their own docking facilities and located at a marine terminal nor storage facilities directly associated with those production or manufacturing areas.

“Permit-required confined space (permit space)” means a confined space that has one or more of the following characteristics:

- Contains or has a potential to contain a hazardous atmosphere;
- Contains a material that has the potential for engulfing an entrant;

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- Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or
- Contains any other recognized serious safety or health hazard.

“Ramp” means other flat-surface devices for passage between levels and across openings not covered under “dockboards.”

[Statutory Authority: RCW 49.17.010, .040, .050. 00-21-103 (Order 00-16), § 296-56-60005, filed 10/18/00, effective 02/01/01.

Statutory Authority: Chapter 49.17.040 RCW. 99-02-024 (Order 98-16), § 296-56-60005, filed 12/30/98, effective 03/30/99.

Statutory Authority: Chapter 49.17.040 RCW. 99-02-024 (Order 98-16), § 296-56-60005, filed 12/30/98, effective 03/30/99.

Statutory Authority: Chapter 49.17 RCW. 95-04-007, § 296-56-60005, filed 1/18/95, effective 3/1/95. Statutory Authority: Chapter 49.17 RCW and RCW 49.17.040, [49.17].050 and [49.17].060. 92-22-067 (Order 92-06), § 296-56-60005, filed 10/30/92, effective 12/8/92. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-064 (Order 86-02), § 296-56-60005, filed 1/17/86; 85-01-022 (Order 84-24), § 296-56-60005, filed 12/11/84.]

WAC 296-56-60006 Personnel.

(1) Qualifications of machinery operators.

- (a) Only those employees determined by the employer to be competent by reason of training or experience, who understand the signs, notices, and operating instructions and are familiar with the signal code in use shall be permitted to operate a crane, winch, or other power-operated cargo handling apparatus, or any power-operated vehicle, or give signals to the operator of any hoisting apparatus. Employees being trained and supervised by a designated individual may operate such machinery and give signals to operators during training.
- (b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate the employee shall be permitted to operate a crane, winch, other power-operated cargo handling apparatus, or a power-operated vehicle.
- (c) Persons who have recovered from a heart attack shall be exempted from the provisions of (b) of this subsection, as it pertains to their heart condition, provided:
 - (i) A medical release is obtained from their attending medical doctor.
 - (ii) The release shall state that the operation of a crane, winch, power-operated cargo handling apparatus, or power-operated vehicle, will not present a hazard to themselves or others.
 - (iii) An examination by a medical doctor, and renewal of the work release certification is required annually.

(2) Supervisory accident prevention proficiency.

- (a) Immediate supervisors of cargo-handling operations of more than five persons shall satisfactorily complete a course in accident prevention. Employees newly assigned to supervisory duties shall be required to meet the provisions of this subsection (2)(a) within ninety days of such assignment.
- (b) The course shall consist of instruction suited to the particular operations involved.
- (c) No minor under eighteen years of age shall be employed in occupations involving the operation of any power-operated hoisting apparatus or assisting in such operations by performing work such as hooking on or landing drafts, rigging gear, etc.

[Statutory Authority: Chapter 49.17.040 RCW. 99-02-024 (Order 98-16), § 296-56-60006, filed 12/30/98, effective 03/30/99.]

WAC 296-56-60007 Housekeeping.

- (1) Active work areas shall be kept free of equipment and materials not in use, and clear of debris, projecting nails, strapping and other sharp objects not necessary for the work in progress.
- (2) Hatch beams, covers, and pontoons placed in terminal working areas shall be stowed in stable piles with beams secured against tipping or falling. Alternatively, beams may be laid on their sides. When beams and pontoons are stowed in tiers more than one high, dunnage or other suitable material shall be used under and between tiers.
- (3) Cargo and material shall not obstruct access to vessels, cranes, vehicles, or buildings. Means of access and egress within buildings shall be unobstructed.
- (4) The employer shall eliminate, to the extent possible, conditions causing slippery working or walking surfaces in immediate work areas used by employees.

[Statutory Authority: Chapter 49.17 RCW and RCW 49.17.040, [49.17].050 and [49.17].060. 92-22-067 (Order 92-06), § 296-56-60007, filed 10/30/92, effective 12/8/92. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-064 (Order 86-02), § 296-56-60007, filed 1/17/86; 85-01-022 (Order 84-24), § 296-56-60007, filed 12/11/84.]

WAC 296-56-60009 Accident prevention program.

- (1) An accident prevention program, which provides equitable management-employee participation, shall be established in all establishments, industrial plants, or operations.
- (2) It shall be the responsibility of the employer to initiate and maintain the accident prevention program necessary to comply with this section. The division of WISHA services may be contacted for assistance in initiating and maintaining an effective accident prevention program.
- (3) All accident prevention programs shall be tailored to the needs of the particular operation.
- (4) Employer and employee representatives, as elected, delegated or appointed, shall attend and actively take part in frequent and regular safety committee meetings.
- (5) Accident prevention programs shall provide for employer-employee safety meetings and frequent and regular safety inspections of job sites, materials, equipment, and operating procedures.
- (6) A record of safety activities, such as inspections and meetings, shall be maintained by the employer for a period covering the previous twelve months and shall be made available, upon request, to noncompliance personnel of the department of labor and industries.
- (7) Employees shall individually comply with all safety rules and cooperate with management in carrying out the accident prevention program.
- (8) To make effective the preceding statement and promote on-the-job accident prevention, committees shall be established in each port. These committees shall consist of an equal number of port or stevedore company and longshoremen representatives at the job level with the industry or company safety supervisor serving as secretary and coordinator. Some functions of the committee are to maintain the interest of the workers in accident prevention by providing for their actual participation in the program, to direct their attention to the real causes of accidents, and to provide a means for making practical use of their intimate knowledge of working conditions and practices.
- (9) It is intended that this program will produce mutually practical and effective recommendations regarding correction of accident-producing circumstances and conditions.

WAC 296-56-60009 (Cont.)

Note: For first aid requirements, see WAC 296-800-150.

Note: For emergency plan and fire prevention plan requirements, see chapter 296-24 WAC, Part G-1.

[Statutory Authority: RCW 49.17.010, .040, .050. 01-11-038 (Order 99-36), § 296-56-60009, filed 05/09/01, effective 09/01/01. Statutory Authority: Statutory Authority: Chapter 49.17.040 RCW. 99-02-024 (Order 98-16), § 296-56-60009, filed 12/30/98, effective 03/30/99. Statutory Authority: Chapter 49.17 RCW. 95-04-007, § 296-56-60009, filed 1/18/95, effective 3/1/95. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-064 (Order 86-02), § 296-56-60009, filed 1/17/86; 85-01-022 (Order 84-24), § 296-56-60009, filed 12/11/84.]